

FILED IN CHAMBERS
U.S.D.C. - Atlanta

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JAN 14 2019

James R. Hester, Clerk

AMC Deputy Clerk

SHAWN STANLEY GILREATH,

Movant

v.

UNITED STATES OF AMERICA,

Respondent

CRIMINAL ACTION NO.
1:96-CR-472-1-ODE-JKL

CIVIL ACTION NO.
1:18-CV-5057-ODE-JKL

ORDER

This pro se criminal case is before the Court on the Final Report and Recommendation of United States Magistrate Judge John K. Larkins III filed November 6, 2018 [Doc. 386] ("R&R").¹ No objections have been filed.

In the R&R, Judge Larkins recommends that this action be dismissed for lack of jurisdiction. Specifically, Judge Larkins found that Movant's petition is a successive § 2255 motion which this Court cannot consider because Movant failed to obtain authorization from the United States Court of Appeals for the Eleventh Circuit for consideration of a second or successive § 2255 petition.

The Court having read and considered the R&R and noting the absence of any objections, it is hereby ADOPTED as the opinion and order of the Court. For the reasons set forth in the R&R, Movant's petition is DISMISSED.

SO ORDERED, this 11 day of January, 2019.


ORINDA D. EVANS
UNITED STATES DISTRICT JUDGE

¹Movant's petition was originally filed in the United States Court of Appeals for the Ninth Circuit in September 2018. That Court transferred the petition to this Court on November 1, 2018 [Doc. 384].